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1 MR. METZGER: I'm inclined to agree with counsel's
2 objection, Your Honor, and withdraw the question.

3 BY MR. METZGER:

4 Q The -- let me ask you this. If you read that statement and
5 you had written it, if you read the statement:

6 "An unlabelled VHS tape was located near the gun
7 cabinet. A check of the contents of the VHS tape
8 revealed it contained recordings of SPC and Mrs.
9 Shepherd engaged in sexual intercourse."

10 Would you have any idea of how much of the tape was reviewed?

11 A No, sir.

12 Q All right. You and -- you and Agent Birt never discussed
13 that the tape might contain a suicide note at the Shepherd
14 residence, did you?

15 A No, we did not.

16 Q You never said "suicide note" in conjunction with "check
17 out the tape"?

18 A No. I just showed her the tape and she told me to check it
19 out.

20 Q So the first time the words "suicide note" were mentioned
21 in conjunction with the tape was sometime after you left the
22 Shepherd residence?

23 A I believe so. I'm not 100 percent sure, but it was after
24 that. Yes, sir.

25 Q Back at the station when you were writing the report or

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1 Q Now your report -- you said that the tape revealed it
2 contained recordings of Special- -- SPC. Is that an
3 abbreviation for Specialist?

4 A It is, sir.

5 Q Specialist and Mrs. Shepherd engaged in sexual intercourse.
6 You didn't write in there "appeared to be," did it -- did you?

7 A No, sir. That was an error on my part.

8 Q Or it was because you knew it was Mr. and Mrs. Shepherd in
9 the video tape; right?

10 A I had never met them. I did not know, sir.

11 Q All right. But if you had read their name on the label of
12 the tape, you would have known who was on the tape, wouldn't
13 you have?

14 A There was no label on the tape, sir.

15 Q Prior to this incident, had you ever had any experience
16 with people video-taping themselves engaged in sexual
17 relations? I mean, were you aware that people did it?

18 A I was aware that people did it, yes.

19 Q All right. And when people do -- have put that on a video
20 tape, is that something that -- a tape that they might not
21 leave laying around where anybody and everybody could pick it
22 up?

23 MS. LINDQUIST: Objection; calls for speculation.

24 THE COURT: I think that is speculative.

25 MR. METZGER: All right. I'll withdraw the question.

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1 Q That got your attention.

2 A The location of where it was.

3 Q With the exception of its location, was there anything else
4 about it that got your attention?

5 A It was unlabelled.

6 Q Okay. Was there any -- was there anything about it, other
7 than its location, that caused you to think it might contain a
8 suicide note?

9 A It was unlabelled.

10 Q Which is the absence of anything that tells you that it's a
11 suicide note; right?

12 A But it doesn't prove that it's not, sir.

13 Q Right. Okay. With the exception of it being unlabelled
14 and lying on the floor between the gun cabinet and the wall,
15 was there anything that told you this contains a suicide note?

16 A No, it did not.

17 Q Was there anything that told you it didn't contain
18 Disneyland vacation images?

19 A No, sir.

20 Q Was there anything that didn't tell you that it contained
21 Mr. and Mrs. Shepherd engaged in sex?

22 A There was no label and I had no idea what was on it.

23 Q But whether it had Mr. and Mrs. Shepherd engaged in sex or
24 Mr. and Mrs. Shepherd at Disneyland, or Mr. and Mrs.
25 Shepherd -- or Mr. Shepherd video-taping a suicide note -- were